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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,178	03/17/2004	Clint Miller	TROU1100-3	3852
44654 7590 08/19/2008 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
EXAMINER				
CHAU, DUNG K				
ART UNIT		PAPER NUMBER		
2169				
MAIL DATE		DELIVERY MODE		
08/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,178

Applicant(s)

MILLER ET AL.

Examiner

DUNG K. CHAU

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/CE)
Paper No(s)/Mail Date 2/28/2008 and 5/30/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's communication filed 05/30/2008 in response to PTO Office Action mailed 03/03/2008. In response to the last Office Action, claims 1 and 14 have been amended. As a result, claims 1-25 are pending in this application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/2008 has been entered.

Response to Amendment

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1-25** are rejected under 35 U.S.C. § 102(e) as being anticipated by Pak Pub. No. US 2007/0192415.

As per **claim 1**, Pak teaches a computer program product for discovering relationships in an arbitrarily complex environment, comprising a computer program stored on a computer readable storage medium, wherein said computer program comprises instructions executable by a processor to:

maintain a first component having associated properties for representing in a data model a first entity in a system being modeled, wherein the first component has fields which contain information relating to the first entity, and wherein the first entity is a logical or physical entity in the arbitrarily complex environment (Figs. 1F-1K, 4; page 9, paragraph [0133]; page 23, paragraphs [0426-0429]; page 30, paragraph [571]);

maintain a second component having associated properties for representing a second entity in the system, wherein the second component has fields which contain information relating to the second entity, and wherein the second entity is a logical or physical entity in the arbitrarily complex environment (Figs. 1F-1K, 4; page 9, paragraph [0133]; page 23, paragraphs [0426-0429]; page 30, paragraph [571]);

maintain one or more relationship discovery rules for analyzing relationships between components in the data mode (pages 1-2, paragraphs [0012-0015]);

associate a relationship discovery rule with the first component (page 10, paragraph [0143]);

apply the relationship discovery rule to the second component (page 10, paragraph [0143]); and

establish, delete, or update a relationship between the first component and the second component according to the relationship discovery rule, wherein the relationship represents an association between the first entity and the second entity in the system (page 7, paragraphs [0094-0103]; page 10, paragraph [0137]; page 23, paragraph [0426-0429]; page 15, paragraph [0297-299]).

As per **claim 2**, Pak further teaches the computer program product of Claim 1, wherein the relationship represents a dependency between the first entity and the second entity (Fig. 4; page 23, paragraph [0426]).

As per **claim 3**, Pak further teaches the computer program product of Claim 1, wherein the relationship discovery rule further comprises a set of criteria (page 15, paragraph [0297]).

As per **claim 4**, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that at least one property of the second component must have a particular value (page 23, paragraph [0428-0429]).

As per **claim 5**, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that the second component must be of a particular component type for the second component to be in the relationship with the first component (page 7, paragraph [0090]; page 9, paragraph [0122]; page 30, paragraph [0571]).

As per **claim 6**, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that the second component must be in an already established relationship for the second component to be in the relationship with the first component (page 10, paragraphs [0140-0141]).

As per **claim 7**, Pak further teaches the computer program product of Claim 1, wherein the first component and the second component are maintained according to a generic data model (page 10, paragraphs [0140-0141]).

As per **claim 8**, Pak further teaches the computer program product of Claim 7, wherein the relationship discovery rule further comprises an executable script (page 28, paragraph [0557]).

As per **claim 9**, Pak further teaches the computer program product of Claim 8, wherein the computer program comprises instructions executable to associate the Script with a first component type of which the first component is a member (page 10, paragraph [0140-0141]; page 28, paragraph [557]).

As per **claim 10**, Pak further the computer program product of Claim 9, wherein the computer program comprises instructions executable to determine whether the second component should be in a relationship with the first component based on one or more criteria specified in the script (page 8, paragraphs [104-0110, 119]; page 14, paragraph [0290]; page 28, paragraph [0557]) .

As per **claim 11**, Pak further teaches the computer program product of Claim 9, wherein the computer program further comprises instructions executable to store the relationship in a first database table (page 7, paragraphs [0088-0089]).

As per **claim 12**, Pak further teaches the computer program product of Claim 11, wherein the first component and second component are stored in a second database table separate from the first database table (page 23, paragraphs [0426-0428]).

As per **claim 13**, Pak further teaches the computer program product of Claim 7, wherein the first component and the second component represent entities in an information technology ("IT") environment (Fig. 4; page 23, paragraph [0426]).

As per **claims 14-25**, they have similar limitation as claims 1-9 and 11-13; therefore they are rejected under the same rationale.

Response to Arguments

5. Applicant's arguments filed 05/30/2008 have been fully considered but they are not persuasive.

Applicant has not pointed out specific differences between the claims and the prior art applied upon. Examiner maintains that the prior art relied upon teaches the claims limitation as set forth in the rejection above. Therefore, the rejections are maintained.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Documents:

US 6226792 B1 Goiffon; David A. et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung K. Chau whose telephone number is 571-270-1754. The examiner can normally be reached on Mon - Friday 7:30am - 5:00pm Est, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on 571-272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dung K Chau/
Examiner, Art Unit 2161
August 7, 2008

/KP/

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169